

69-1234

8 MAR 1968

The Honorable William P. Rogers  
Secretary of State  
Washington, D. C. 20520

Dear Bill:

I am enclosing a copy of S. 782, "A Bill To protect the civilian employees of the executive branch of the United States Government in the enjoyment of their constitutional rights and to prevent unwarranted governmental invasions of their privacy." An identical bill in the last Congress, S. 1035, passed the Senate, but was not acted upon in the House, although hearings were held by the House Post Office and Civil Service Committee.

Whatever its basic merits, S. 782 gives me great concern because of the impact (which I believe will be apparent to you) on personnel security and security of information, particularly in intelligence components and other units handling highly sensitive material. (As you know) I am responsible by law for the protection of intelligence sources and methods from unauthorized disclosure, and the integrity of personnel in the intelligence community is absolutely essential in carrying out this responsibility. The disastrous effect of failures in this field has been amply demonstrated by such cases as Sergeant Dunlap of the National Security Agency and Kim Philby of British Intelligence.

What S. 782 does in essence is to inhibit our ability to obtain full information about our employees and to impair the command and disciplinary system essential to good personnel administration. The first is explicit in the terms of the bill. The second grows out of three provisions:

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The first would give the employee right to counsel at the first questioning as to conduct.

The second is the creation of a Board on Employees' Rights to which employees or applicants can appeal directly and which would have disciplinary power over officers they held to be in violation of the act.

The third is a provision giving immediate access to the Federal courts without exhausting administrative remedies to any employee or applicant who felt his rights under the act had been violated.

In addition to the administrative problems obvious herein is the potential for exposure of sensitive information in the Board proceedings or in Federal court actions. Also, the opportunity for a deliberate campaign of harassment by applicants is apparent.

While my immediate concern is, of course, for the personnel of the Agency for which I am responsible, the problem reaches not only to other intelligence components but obviously to the recipients of sensitive intelligence information, since there should not be two standards of security for people who handle the same material.

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I hope you will interest yourself personally in this matter, and if there is any further information I can provide in connection with S. 782, please let me know.

Sincerely,

/s/ Richard Helms

Richard Helms  
Director

Enclosure

OGC:LRH:jeb

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<p><b>Remarks:</b> In light of the appointment of Roger Jones as an Assistant Director, Bureau of the Budget, which would seem a key post for coordinating the executive branch's approach to the Ervin bill, I am holding up on a letter to the President until I can get in touch with Roger in the next day or so.</p> <p style="text-align: right;">Legislative Counsel _____ letters to Defense and State _____</p> <p style="text-align: right;">LRHouston</p> <p><b>OGC SUBJECT: LEGISLATION-S. 782</b></p> <p style="text-align: center;">FOLD HERE TO RETURN TO SENDER</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width: 80%;">FROM: NAME, ADDRESS AND PHONE NO.</td> <td style="width: 20%;">DATE</td> </tr> <tr> <td>General Counsel</td> <td style="text-align: center;">3/4/69</td> </tr> </table>				FROM: NAME, ADDRESS AND PHONE NO.	DATE	General Counsel	3/4/69
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